

VZCZCXRO6818
RR RUEHMA RUEHPA
DE RUEHNM #0748/01 1931527
ZNR UUUUU ZZH
R 121527Z JUL 06
FM AMEMBASSY NIAMEY
TO RUEHC/SECSTATE WASHDC 2649
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHAS/AMEMBASSY ALGIERS 3316
RUEHFR/AMEMBASSY PARIS 0449
RUEHTRO/AMEMBASSY TRIPOLI

UNCLAS SECTION 01 OF 02 NIAMEY 000748

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DEPT. FOR: AF/W, BACHMAN; G/TIP FOR ZEITLIN; AF/RSA FOR
HARPOLE

E.O. 12958: N/A

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SUBJECT: TIP INTERDICTION HAS HAPPY ENDING BUT UNDERScores
NEED FOR LEGISLATION

REF: NIAMEY 034

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SUMMARY

¶1. A recent case of Trafficking in Persons (TIP) in the northern Nigerien city of Agadez - for centuries a key caravan town and trade hub uniting sub-Saharan and North Africa - offers many lessons on the nature of the challenge posed by TIP in Niger. The liberation and reinsertion of eight child victims shows what local NGOs and the Government of Niger can achieve when they work together with support from an international partner. However, the release of their two traffickers underscores the need for a comprehensive anti-TIP law. The publicity engendered by the case may help to move the GON toward passage of a draft anti-TIP law during this fall's legislative session. END SUMMARY

¶2. From June 2 through 4, the Nigerien NGO AFETEN (Action en Faveur de l'Elimination du Travail des Enfants au Niger), UNICEF, and the Government of Niger's (GON) Ministry for the Promotion of Women and Protection of Children conducted an education session on Trafficking in Persons for members of the teamsters' union and their employers in the northern city of Agadez. The session was well targeted, as Agadez is a known transit point for TIP victims being moved toward North Africa, and trucking companies and their employees are well placed to either observe, facilitate, or blow the whistle on such practices. The session resulted in the creation of a "regional vigilance committee" for the fight against trafficking in children. On June 26, the committee scored a major success when it discovered eight children who were being trafficked to Libya via Algeria. As a consequence of the collaboration between the committee, AFETEN and local GON authorities, the children were rescued, their case investigated, and they were returned to their village where a public education session on TIP was organized for locals by AFETEN and UNICEF.

RESCUE AND REINSERTION

¶3. AFETEN reported that members of the vigilance committee discovered eight children between 13 and 17 years of age traveling in the company of two adults on the evening of June 26. The children, discovered in a 4 x 4 vehicle, were on their way to Libya via Jannet, Algeria. The committee

informed the regional coordinator of AFETEN, who proceeded to the city's vehicular transit station with the local police, who identified the eight victims as children from a village in the southern region of Tahoua. The two traffickers and the children were brought before a local magistrate that same evening for an investigation, which determined that the case was indeed one of TIP. The adults taken in with the children reportedly intended to take them to Libya where they would perform domestic service. After spending the night at the police station, the children were formally transferred to AFETEN's welcome and transit center by the authorities. In the absence of a law specifically banning TIP, the two traffickers were released from jail on the afternoon of the 27th. However, the money the children's parents had paid to them was seized by the police and given to AFETEN.

¶4. On June 29, AFETEN returned the children to their village, and used the opportunity afforded by their visit to conduct a public education session on TIP with the cooperation of the village chief. AFETEN also interviewed the children's families to discover the reasons behind their trafficking. Apparently, the local vogue for migration to Libya derived from the experiences of several local adults who had gone there and enjoyed some measure of success. The children wished to follow suit - hoping to make enough money to set themselves up as shepherds upon their return. The parents, illiterate and without much of an alternative vision for the children, consented and paid an unidentified party in Tahoua to move the children north. The two traffickers who actually accompanied the children were apparently in the employ of the person in Tahoua.

A WORD ON AFETEN

¶5. AFETEN, founded in 2001, is a credible partner

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organization that has worked with UNICEF in the past. It received the French Republic's Human Rights Prize in 2005, for its work to promote children's rights in Niger. AFETEN is currently partnered with UNICEF in an effort to provide TIP victim assistance in Agadez and in key areas along Niger's borders with Nigeria and Benin. Their efforts will be supported, this year, by \$100,000 in FY '05 TIP ESF money, which will enable them to identify many additional TIP victims such as the children in the Agadez case, provide them with safe shelter, basic medical and psychological care, and offer them life-skills training that will help them to reintegrate into their villages. AFETEN and UNICEF will also help victims' communities with micro-credit loans for income generating activity. Post has requested an additional \$115,000 for the second year of this project from this year's TIP ESF funds (reftel).

LESSONS LEARNED

¶6. While the rescue and reinsertion of the children (which AFETEN will accompany with some form of material assistance for their families), the public education sessions on TIP, the cooperation afforded by GON police and judiciary, and the formation of the vigilance committee are all enormously positive developments in the fight against TIP in Niger, the release of the two traffickers points to a major gap remaining on the enforcement side. While traffickers can be, and occasionally are, prosecuted under statutes relating to sexual exploitation, kidnapping, and child labor, none of Niger's existing laws apparently fit the exact conditions of the Agadez case. However, the circumstances of that case - minors paying a third party to be transported as labor for another party - are perhaps most typical of Nigerien TIP cases. Legislation that punishes traffickers - even "small fry" in the employ of a larger trafficker - is essential if

the fight against TIP in Niger is to be won. The GON's Ministry of Justice showed considerable initiative earlier this year when it sought and obtained technical assistance from the UN Office of Drugs and Crime in drafting an anti-TIP law. The GON must show more by moving the law toward adoption, first by the Council of Ministers, and then by the National Assembly. Post has made that point in repeated working-level meetings with GON contacts, and we will make it again in our forthcoming anti-TIP action plan.

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